

CHARGE: 245(c) PC, Assault with a Deadly Weapon, Not Firearm at a Police Officer with Great Bodily Injury; 69 PC Resisting a Police Officer by Force or Violence

VICTIM: William GUERIN, ID#0240

SUSPECT: Andrew Scott LUNA DOB 06-19-1989

DATE/TIME: 03-01-2012 @ 0947 hours

LOCATION: 1702 Pepper Hill Drive
El Cajon

REFERENCE: Statement of Case

FACTS:

On 3-1-2012, at 0905 hours, the El Cajon Police Department received a phone call reporting a suspicious white male in his teens to early 20's casing homes in the area of 1576 Zephyr Avenue. The subject was described as wearing shorts with a black jacket. El Cajon Police Sgt. GUERIN responded to the area and was unable to locate the subject.

At 0941 hours, the El Cajon Police Department received a second call from a different witness stating there was a suspicious white male possibly casing a residence near 1590 Villa Crest Drive. At 0945 hours, Sgt. GUERIN contacted the subject, later identified as Andrew Scott LUNA (6-19-89), in front of 1601 Pepper Hill Drive.

LUNA was standing on the sidewalk holding a skateboard when Sgt. GUERIN parked his marked black and white police vehicle along the east curb line in front of 1601 Pepper Hill Drive. Sgt. GUERIN got out of his vehicle and noticed LUNA no longer had a skateboard in his hands. Sgt. GUERIN saw LUNA holding pocket knives in each of his hands. The knives blades were locked in an open position. Sgt. GUERIN gave several verbal commands to LUNA to drop the knives. LUNA told Sgt. GUERIN that he was not going to drop the knives and he was going to do 25 years to life. LUNA raised his left hand with the knife in it and Sgt. GUERIN believed that LUNA was about to throw the knife at him. LUNA made several statements to Sgt. GUERIN that he was going to have to shoot him. Sgt. GUERIN broadcast over the radio that the subject had a knife and he was requesting emergency cover to respond.

LUNA ignored Sgt. GUERIN's verbal commands and started walking northbound on Pepper Hill. LUNA continued to hold the knives in his hands as he walked away from Sgt. GUERIN. Sgt. GUERIN broadcasted "Cover Now" over his police radio requesting immediate emergency response from all police units. LUNA moved to the center of the street continuing northbound. Sgt. GUERIN continued giving verbal commands to LUNA to stop

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and drop the knife as he followed LUNA down the street. LUNA continued making comments about doing 25 to life and wanting Sgt. GUERIN to shoot him.

Officer ROSAS along with Officer KOLOMBATOVIC and his partner Officer SCHLOSS responded in their police vehicles southbound on Pepper Hill Drive from Pepper Drive. They drove their marked police units towards LUNA and Sgt. GUERIN. LUNA looked towards the responding units and walked over to the east curb line in front of 1702 Pepper Hill Drive. Sgt. GUERIN broadcasted over the police radio for one of the responding officers to bring a shotgun that fired beanbag rounds to their location.

LUNA took a pill bottle and held it up to his mouth appearing to ingest all the pills in it. Officer ROSAS and Officer SCHLOSS got out of their vehicles and approached towards LUNA. Officer KOLOMBATOVIC went to the trunk of his police vehicle to retrieve the beanbag shotgun.

While Officer ROSAS and Officer SCHLOSS responded on foot towards LUNA, he turned his body and faced Sgt. GUERIN. LUNA took a step towards SGT. GUERIN and raised his left hand which still had a knife in it. Sgt. GUERIN fired one shot at LUNA striking him in the left arm. LUNA dropped both the knives and fell to the ground. LUNA was struggling with the officers as they tried to put hand cuffs on him. Once LUNA was in hand cuffs, Sgt. GUERIN immediately administered first aid. LUNA was transported to the hospital in an ambulance.

The in-car camera on Sgt. GUERIN's vehicle recorded LUNA being non-compliant during the initial contact. Officer ROSAS' in-car camera recorded SGT. GUERIN pointing a gun at LUNA. LUNA turned towards Sgt. GUERIN and started to raise his hands. Sgt. GUERIN fired one shot at LUNA. LUNA stumbled backwards and fell to the ground.

Numerous witnesses were interviewed and stated that they heard Sgt. GUERIN giving verbal commands to LUNA to drop the knives. Some of the witnesses heard LUNA telling Sgt. GUERIN to shoot him.

LUNA was arrested at 1333 hours at Sharp Memorial Hospital for assault with a deadly weapon and resisting a police officer by force or fear. LUNA was admonished of his Miranda Rights and told Detectives that he wanted to talk about what happened. The interview was digitally recorded. LUNA stated that at approximately 0300 hours he had injected methamphetamine. He said he remembered the police officer telling him to put the knives down. He said he walked away from the officer because he was stressed and wanted to see his family. LUNA was asked if he was going to stab the officer and he said, "Never," however the thought did cross his mind. He said he told the officer to shoot him between the eyes. LUNA said he held the knives out and the officer shot him.

Respectfully submitted,

D. FORSTER, ID#220
INVESTIGATIONS DIVISION
3/2/2012 8:16 AM DF

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